



## **Montana Fish, Wildlife & Parks**

4600 Giant Springs Rd.  
Great Falls, MT 59405  
May 10, 2016

To whom it may concern:

Montana Fish, Wildlife & Parks (FWP) is proposing to purchase a perpetual conservation easement on two (2) parcels from Rumney Ranch, located near Cascade. The two parcels described in this proposal are locally known as the "Whitmore Parcel" and the "Birdtail Parcel" (Appendix A) and total 7,512 deeded acres. The first step in the environmental review process is scoping. FWP invites the public to identify any issues and concerns related to this proposal. FWP will then prepare an Environmental Assessment (EA) and invite further public comment before recommending a final decision to the Fish and Wildlife Commission.

### **Background and Authority**

FWP is required to conduct public scoping for certain land acquisition projects (MCA 87-1-218). For all land acquisitions of 640 acres or more the Department shall: (a) conduct a public scoping process to identify issues and concerns as the initial phase of an environmental review; (b) provide the public with sufficient notice of the proposed acquisition and an opportunity to provide input on reasonable alternatives, mitigation alternatives, mitigation measures, issues, and potential impacts to be addressed in the environmental review; and (c) respond to comments received during the public scoping process as part of the environmental review document. For that purpose, FWP has released this scoping notice, which is also posted on the Department's web site and area news outlets.

FWP has the authority under law (MCA 87-1-201) to protect, enhance and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed House Bill (HB) 526, which earmarked hunting license revenues to secure wildlife habitat through lease, conservation easement or fee title acquisition (MCA 87-1-241 and 242). This is referred as the Habitat Montana Program. Habitat Montana recognizes that certain native plant communities constituting wildlife habitat are worthy of perpetual conservation. Those communities include intermountain grasslands, shrub grasslands and riparian corridors. Rumney Ranch includes such habitats and warrants conservation considerations. If the project is completed, FWP would hold and monitor the conservation easement. Further details of the proposed easement as follows:

### **Proposal**

The proposed conservation easement encompasses 7,512 deeded acres in two (2) parcels. The parcels consist of intermountain foothill habitats ("Whitmore" = 3,423 / "Birdtail" = 4,089 acres). The Rumney family is interested in selling a conservation easement to FWP to streamline and potentially expand their livestock operation, and to conserve and enhance wildlife habitat, while ensuring public recreational access.

### Overview of property resources

Rumney Ranch uplands are primarily characterized as Intermountain Foothill Grassland Ecotype with intermixed riparian and shrub steppe habitat communities. These habitat types in Central Montana are key in maintaining stable native species populations, including several "Species of Concern". The uplands include important breeding, rearing, and wintering habitats. This mountain foothill native rangeland and riparian stream habitat is excellent big game winter range (and year round habitat) for elk, mule deer and white-tailed deer. It also provides excellent upland game bird habitat for ruffed, blue and sharp-tailed grouse. These habitats are also beneficial in maintaining huntable and viewable populations of game and non-game species, both migratory and resident. The two parcels encompass about 4.25 miles of Blaine, 2.0 miles of Huff, 4.0 miles of Willow and 1.5 miles of Birdtail Creeks. These Intermountain riparian streams are tributaries of the Dearborn and Missouri Rivers. The Rumney Ranch is an excellent example of how ranching and wildlife can flourish.

### Overview on conservation easements

Specific terms of the easement would be contained in a legal document, which is the "Deed of Conservation Easement". This document lists FWP and Landowner rights under terms of the easement as well as restrictions on landowner activities. The rights of both parties and restrictions on Landowner activities would be negotiated with and agreed upon by FWP and the Landowner. Below is a summary of the terms that are typical of mountain foothill conservation easements. The Draft EA will propose the terms specific to this particular easement.

### Typical conservation easement terms

FWP's rights may include the right to:

- (1) identify, preserve and enhance specific habitats and conservation values of the Land;
- (2) upon prior notice to the landowners, enter upon and inspect the Land
- (3) monitor, enforce and prevent activities inconsistent with purpose of the easement; and
- (4) provide hunting, trapping and wildlife viewing (recreational access) for the general public.

Landowner's retained rights may include the right to:

- (1) graze livestock within a described grazing system;
- (2) cultivate and farm grain fields and/or hay land;
- (3) provide regulated public use of the Land at all times;
- (4) develop and maintain water resources, including springs, on the Land necessary for farming, grazing and wildlife purposes that are allowed by the easement;
- (5) repair, renovate, improve or remove existing structures;
- (6) repair, renovate or improve existing service roads;
- (7) construct, remove, repair and/or replace fences for grazing livestock;
- (8) maintain, renovate, repair or replace utilities existing on the Land at the time of the grant of the easement;
- (9) use agrichemical, biological, and/or mechanical means for the control of noxious weeds;
- (10) right to maintain, renovate, repair, or replace utility structures existing on the Land as long as they are consistent with the purposes of the conservation easement and will not significantly impact the conservation values of the Land (with prior approval);
- (11) limited construction of residences within a defined building area as determined by FWP;
- (12) maintain, restore and/or improve fish and wildlife habitat (subject to prior approval);
- (13) grant, sell, exchange devise, gift, convey, transfer or dispose of all of Landowner's right, title, estate, and interest in the land in one parcel only.

Restrictions placed upon Landowner activities may include:

- (1) no removal, control or manipulation by any means of shrub and tree species that could be browsed and utilized by wildlife except in routine clearing for roads, trails, structures and fences;
- (2) no subdivision;
- (3) no cultivation or farming beyond what's described;
- (4) adherence to a described grazing plan outlined in the Management Plan;
- (5) no outfitting or fee hunting;
- (6) exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials by any mining method that disturbs the surface of the Land is prohibited; in addition, the exploration for or development and extraction of minerals, coal, bentonite, hydrocarbons, soils, or other materials below the surface of the Land by any sub-surface mining method that would significantly impair or interfere with the conservation values of the Land is prohibited.
- (7) no commercial feed lots;
- (8) no game farms or alternative livestock farms;
- (9) no waste, refuse or hazardous material dumping;
- (10) no commercial or industrial use except traditional agricultural use;
- (11) draining, filling, dredging, leveling, burning, ditching, diking or reclamation of any natural or manmade wetland or riparian area is prohibited;
- (12) Landowners shall use their best efforts to assure the retention of any and all water rights currently in use and will not transfer, encumber, sell, lease or otherwise separate such rights from the Land or allow them to be lost or abandoned due to nonuse or for any other reason without prior approval from Grantee;
- (13) granting of right-of-way or easements for utilities, roadways, natural gas lines, or other purposes are prohibited without prior approval from the Grantee; and
- (14) construction of facilities for the development and utilization of renewable energy resources, including, wind and solar for use principally on the Land by the Landowners is provided.

#### Development of a management plan

In addition to the Deed of Conservation Easement, FWP would develop a Management Plan that documents strategies for land management and recreational access in which FWP and Rumney Ranch would be cooperating to ensure consistency with the terms and intent of the conservation easement.

#### Opportunities for public involvement

Formal public participation specific to FWP's proposed purchase of this conservation easement begins with this scoping process. Public scoping comments will help in the development of a Draft Environmental Assessment (EA) which will be available for 30 day public review likely fall 2016. The Draft EA further explains how FWP's proposed expenditure for this conservation easement would help facilitate protection of the property's wildlife and agricultural values. Availability of the EA will be advertised in the local area, and through statewide media via FWP's website at [www.fwp.mt.gov](http://www.fwp.mt.gov) – Public Notices. Also during the EA process, a public meeting will be held in Cascade to inform the public on the proposal. After reviewing public input received through the EA, FWP's Region 4 Supervisor will decide upon a preferred alternative. A recommendation will then be provided to the Fish and Wildlife Commission, who will then be asked to render a final decision on this proposal. The Montana State Board of Land Commissioners will provide ultimate approval/disapproval on the proposal.

Montana Fish, Wildlife & Parks is requesting public input and comments (scoping) on the proposed project from May 20 – June 30, 2016. If you have any written comments regarding the proposed project, please mail them to Montana Fish, Wildlife & Parks, c/o Rumney Ranch Conservation Easement Proposal, 4600 Giant Springs Rd., Great Falls, MT 59405. Or, email comments to [fwprg42@mt.gov](mailto:fwprg42@mt.gov) Attn: Rumney Ranch Conservation Easement Proposal.

If you have any questions regarding the proposed project, please call Cory Loecker at (406) 454-5864 or Brent Lonner at (406) 467-2488 (FWP Area Wildlife Biologists) or e-mail questions to Cory Loecker at [cloecker@mt.gov](mailto:cloecker@mt.gov) or Brent Lonner at [blonner@3rivers.net](mailto:blonner@3rivers.net).

Thanks for your time and consideration of this proposed conservation easement project.

Sincerely,



Gary Bertellotti  
Region 4 Supervisor

**Appendix A. Rumney Ranch “Whitmore” and “Birdtail” Parcels.**

